

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 364

Introduced by Schellpeper, 18; Coordsen, 32; Hartnett, 45;
Wickersham, 49

Read first time January 13, 1999

Committee: Urban Affairs

A BILL

- 1 FOR AN ACT relating to the Community Development Law; to amend
- 2 section 18-2103, Reissue Revised Statutes of Nebraska; to
- 3 redefine a term; to repeal the original section; and to
- 4 declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-2103, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 18-2103. For purposes of the Community Development Law,
4 unless the context otherwise requires:

5 (1) An authority shall mean any community redevelopment
6 authority created pursuant to section 18-2102.01 and a city or
7 village which has created a community development agency pursuant
8 to the provisions of section 18-2101.01 and shall not mean a
9 limited community redevelopment authority;

10 (2) Limited community redevelopment authority shall mean
11 a community redevelopment authority created pursuant to section
12 18-2102.01 having only one single specific limited pilot project
13 authorized;

14 (3) City shall mean any city or incorporated village in
15 the state;

16 (4) Public body shall mean the state or any municipality,
17 county, township, board, commission, authority, district, or other
18 political subdivision or public body of the state;

19 (5) Governing body or local governing body shall mean the
20 city council, board of trustees, or other legislative body charged
21 with governing the municipality;

22 (6) Mayor shall mean the mayor of the city or chairperson
23 of the board of trustees of the village;

24 (7) Clerk shall mean the clerk of the city or village;

25 (8) Federal government shall mean the United States of
26 America, or any agency or instrumentality, corporate or otherwise,
27 of the United States of America;

28 (9) Area of operation shall mean and include the area

1 within the corporate limits of the city and such land outside the
2 city as may come within the purview of section 18-2123;

3 (10) Substandard areas shall mean an area in which there
4 is a predominance of buildings or improvements, whether
5 nonresidential or residential in character, which, by reason of
6 dilapidation, deterioration, age or obsolescence, inadequate
7 provision for ventilation, light, air, sanitation, or open spaces,
8 high density of population and overcrowding, or the existence of
9 conditions which endanger life or property by fire and other
10 causes, or any combination of such factors, is conducive to ill
11 health, transmission of disease, infant mortality, juvenile
12 delinquency, and crime, (which cannot be remedied through
13 construction of prisons), and is detrimental to the public health,
14 safety, morals, or welfare;

15 (11) Blighted area shall mean an area, which (a) by
16 reason of the presence of a substantial number of deteriorated or
17 deteriorating structures, existence of defective or inadequate
18 street layout, faulty lot layout in relation to size, adequacy,
19 accessibility, or usefulness, insanitary or unsafe conditions,
20 deterioration of site or other improvements, diversity of
21 ownership, tax or special assessment delinquency exceeding the fair
22 value of the land, defective or unusual conditions of title,
23 improper subdivision or obsolete platting, or the existence of
24 conditions which endanger life or property by fire and other
25 causes, or any combination of such factors, substantially impairs
26 or arrests the sound growth of the community, retards the provision
27 of housing accommodations, or constitutes an economic or social
28 liability and is detrimental to the public health, safety, morals,

1 or welfare in its present condition and use and (b) in which there
2 is at least one of the following conditions: (i) Unemployment in
3 the designated area is at least one hundred twenty percent of the
4 state or national average; (ii) the average age of the residential
5 or commercial units in the area is at least forty years; (iii) more
6 than half of the plotted and subdivided property in an area is
7 unimproved land that has been within the city for forty years and
8 has remained unimproved during that time; (iv) the per capita
9 income of the area is lower than the average per capita income of
10 the city or village in which the area is designated; or (v) the
11 area has had either stable or decreasing population based on the
12 last two decennial censuses. In no event shall a city of the
13 metropolitan, primary, or first class designate more than
14 thirty-five percent of the city as blighted, a city of the second
15 class shall not designate an area larger than fifty percent of the
16 city as blighted, and a village shall not designate an area larger
17 than one hundred percent of the village as blighted;

18 (12) Redevelopment project shall mean any work or
19 undertaking in one or more community redevelopment areas: (a) To
20 acquire substandard and blighted areas or portions thereof,
21 including lands, structures, or improvements the acquisition of
22 which is necessary or incidental to the proper clearance,
23 development, or redevelopment of such substandard and blighted
24 areas; (b) to clear any such areas by demolition or removal of
25 existing buildings, structures, streets, utilities, or other
26 improvements thereon and to install, construct, or reconstruct
27 streets, utilities, parks, playgrounds, public spaces, ~~public~~
28 ~~parking facilities, sidewalks, or moving sidewalks, convention and~~

1 ~~civic centers, bus stop shelters, lighting, benches or other~~
2 ~~similar furniture, trash receptacles, shelters, skywalks and~~
3 ~~pedestrian and vehicular overpasses and underpasses; and any~~
4 ~~other necessary public improvements essential to the preparation of~~
5 ~~sites for uses in accordance with a redevelopment plan;~~ (c) to
6 sell, lease, or otherwise make available land in such areas for
7 residential, recreational, commercial, industrial, or other uses,
8 including parking or other facilities functionally related or
9 subordinate to such uses, or for public use or to retain such land
10 for public use, in accordance with a redevelopment plan; and may
11 also include the preparation of the redevelopment plan, the
12 planning, survey, and other work incident to a redevelopment
13 project and the preparation of all plans and arrangements for
14 carrying out a redevelopment project; (d) to dispose of all real
15 and personal property or any interest in such property, or assets,
16 cash, or other funds held or used in connection with residential,
17 recreational, commercial, industrial, or other uses, including
18 parking or other facilities functionally related or subordinate to
19 such uses, or any public use specified in a redevelopment plan or
20 project, except that such disposition shall be at its fair value
21 for uses in accordance with the redevelopment plan; (e) to acquire
22 real property in a community redevelopment area which, under the
23 redevelopment plan, is to be repaired or rehabilitated for dwelling
24 use or related facilities, repair or rehabilitate the structures,
25 and resell the property; and (f) to carry out plans for a program
26 of voluntary or compulsory repair and rehabilitation of buildings
27 or other improvements in accordance with the redevelopment plan. A
28 redevelopment project shall not include any buildings or other

1 structures;

2 (13) Redevelopment plan shall mean a plan, as it exists
3 from time to time for one or more community redevelopment areas, or
4 for a redevelopment project, which plan (a) shall conform to the
5 general plan for the municipality as a whole; and (b) shall be
6 sufficiently complete to indicate such land acquisition, demolition
7 and removal of structures, redevelopment, improvements, and
8 rehabilitation as may be proposed to be carried out in the
9 community redevelopment area, zoning and planning changes, if any,
10 land uses, maximum densities, and building requirements;

11 (14) Redeveloper shall mean any person, partnership, or
12 public or private corporation or agency which shall enter or
13 propose to enter into a redevelopment contract;

14 (15) Redevelopment contract shall mean a contract entered
15 into between an authority and a redeveloper for the redevelopment
16 of an area in conformity with a redevelopment plan;

17 (16) Real property shall mean all lands, including
18 improvements and fixtures thereon, and property of any nature
19 appurtenant thereto, or used in connection therewith, and every
20 estate, interest and right, legal or equitable, therein, including
21 terms for years and liens by way of judgment, mortgage, or
22 otherwise, and the indebtedness secured by such liens;

23 (17) Bonds shall mean any bonds, including refunding
24 bonds, notes, interim certificates, debentures, or other
25 obligations issued pursuant to the Community Development Law;

26 (18) Obligee shall mean any bondholder, agent, or trustee
27 for any bondholder, or lessor demising to any authority,
28 established pursuant to section 18-2102.01, property used in

1 connection with a redevelopment project, or any assignee or
2 assignees of such lessor's interest or any part thereof, and the
3 federal government when it is a party to any contract with such
4 authority;

5 (19) Person shall mean any individual, firm, partnership,
6 limited liability company, corporation, company, association,
7 joint-stock association, or body politic and shall include any
8 trustee, receiver, assignee, or other similar representative
9 thereof;

10 (20) Community redevelopment area shall mean a
11 substandard and blighted area which the community redevelopment
12 authority designates as appropriate for a renewal project; and

13 (21) Redevelopment project valuation shall mean the
14 valuation for assessment of the taxable real property in a
15 redevelopment project last certified for the year prior to the
16 effective date of the provision authorized in section 18-2147.

17 The changes made to this section by this legislative bill
18 shall be operative for all redevelopment projects approved after
19 the effective date of this act.

20 Sec. 2. Original section 18-2103, Reissue Revised
21 Statutes of Nebraska, is repealed.

22 Sec. 3. Since an emergency exists, this act takes effect
23 when passed and approved according to law.